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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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Federal Communications Commission
Office of Secretary

In the Matter of)
)
Advanced Television Systems and)
Their Impact upon the Existing)
Television Broadcast Service)

MM Docket No. 87-268

To: The Commission

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**PETITION FOR RECONSIDERATION
BY CALIFORNIA OREGON BROADCASTING, INC.**

California Oregon Broadcasting, Inc. (COBI), by its attorneys, hereby seeks reconsideration of the Sixth Report and Order in this proceeding.¹

COBI is the controlling owner of three full-service television stations and 36 low power television and television translator stations, and therefore has a significant interest in the FCC rules adopted for allotment and assignment of digital television (DTV) channels.

**A. Association for Maximum Service Television, Inc.
Petition for Clarification and Partial Reconsideration**

COBI is a member of the Association for Maximum Service Television, Inc. (MSTV), and it strongly supports MSTV's Petition for Clarification

¹ Sixth Report and Order, MM Docket No. 87-268, FCC 97-115, (rel. April 21, 1997) (Sixth R&O).

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and Partial Reconsideration of the Fifth and Sixth Reports and Orders to be filed herein (MSTV Petition). MSTV is uniquely positioned and capable of analyzing the impact of the Commission's decisions on an industry-wide basis. COBI fully concurs in the Association's call for revisions and clarifications affecting the allotment table and the rules for implementing digital service. COBI's particular concerns about the DTV channels allotted to it are set forth below.

B. Channels 2-6 Core Status

Since two of COBI's three full-power stations operate in the channel 2-6 band, and the DTV channel alternatives are far less efficient in terms of coverage, COBI has a particular interest in MSTV's contention that the FCC should eliminate the transition uncertainty created by postponement of a final determination concerning the core status of these channels. The propagation characteristics of these low band channels assure wide areas of service and better reception in areas of irregular terrain and dense foliage -- which are both highly typical of the areas of southwestern Oregon where COBI stations operate. Conjecture about technical suitability of these channels is an inadequate ground for casting the core status of these channels in limbo for an indefinite period.

In this regard, COBI also specifically endorses and adopts the arguments affecting the desired treatment of channel 2-6 core status as set forth in the Petition for Reconsideration filed on May 29, 1997 by "Certain Channel 2-6 Licensees." These petitioners point out the practical problems created by leaving the status of channels 2-6 for future resolution. The over 300 stations affected by this postponement face the unwelcome prospect of possibly having to operate after the

DTV transition on channels that would be materially unsuitable. FCC irresolution on this issue impairs necessary planning for the new DTV service because these licensees, unlike those in other channel bands, must invest cautiously in their DTV facilities which may ultimately have to be abandoned.

C. Unacceptable Replication of Service Areas for Station KOB, Medford, OR and for Station KOTI, Klamath Falls, OR

COBI's Stations KOB (NTSC channel 5) in Medford, OR and KOTI (NTSC channel 2) in Klamath Falls, OR are allotted DTV channels 15 and 40, respectively, in the DTV Allotment Table. By the Commission's own admission, channel 40 will replicate only 79.6 percent of KOTI's NTSC service area. Even more egregious is the loss of 46 percent of the population served by KOTI. Nor do these figures, as stark as they are, tell the whole story.

COBI reiterated at length in its comments on the Sixth Further Notice in this proceeding that terrain in southwestern Oregon is notoriously rugged. As noted then, COBI is the licensee of 36 television translator and low power television stations, which are needed to enhance the coverage area of its Medford and Klamath Falls stations, despite the fact that they operate on low band VHF channels. COBI's comments also pleaded the exacerbating effects of the dense forestation throughout KOTI's service area. These concerns with service degradation are reiterated in the attached statement of Lohnes and Culver, COBI's consulting engineers.

COBI and its engineers have attempted to evaluate the channel 40 and 15 allotments and identify viable DTV alternative channels, especially for use in Klamath Falls. However, as discussed at length in the MSTV petition, the newly-

adopted DTV rules lack the clarity necessary to complete definitive alternative channel studies. The Commission has not released OET Bulletin 69. Also, as noted by Lohnes and Culver, the industry still lacks access to the complete technical parameters used to create the DTV table, the channel pairings and the replication service areas. Consequently, COBI cannot yet fully assess its situation or constructively propose alternatives to it.

Notwithstanding these impediments, COBI's situation, particularly in Klamath Falls, is untenable. It wholeheartedly supports MSTV's call for an early clarification of outstanding issues relating to interference analysis, protection, inter-market agreements and related issues. Clearly the absurd results reflected in the replication figures for Station KOTI cannot be tolerated nor would the enormous investments which the DTV conversion process contemplates make any sense in the context of a station that faces the loss of nearly half of its audience.

DTV channel 11 may provide an alternative channel for KOTI in Klamath Falls and DTV channel 7 may prove a suitable alternative for KOBH in Medford. Lohnes and Culver's statement indicates that these channels appear to be available in their respective cities. As the statement cautions, however, whether this proves ultimately to be the case requires clarifications of the type sought by MSTV and the dissemination of more information which may be used by licensees and the engineering community to evaluate the feasibility of alternative channels and station modifications.

Indeed, resolving the channel allotment problems in Medford and Klamath Falls may involve one or a combination of several approaches. Finding

viable alternative DTV channels may require temporary reduced power operation, implementation of interim digital facilities coupled with studies of actual interference and terrain-limited service contours, agreements with potentially affected stations in adjacent markets, and possibly waivers of the rules. COBI recognizes the flexibility the Commission has attempted to build into the DTV conversion process -- permissive site changes of up to 5 kilometers, low power operation in the initial phases of build-out -- and it urges that this flexibility be maximized and expanded as needed on a case-by-case basis. The Commission must adopt as a top priority the reconsideration and resolution of egregious inequities in its DTV channel allotments and assignments which will result in substantial decreases in service area, such as KOTI's channel 40 allotment in Klamath Falls.

D. Adjacent Channel Interference to KLSR-TV, Eugene, OR

Adjacent channel interference which will be caused to the DTV operations of COBI's station KLSR-TV in Eugene, OR also must be addressed. The Lohnes & Culver statement indicates that interference to KLSR-TV's DTV channel 26 from adjacent DTV channel 25 in Eugene will occur. The assigned parameters for the two operations contain striking disparities in power levels and antenna heights above average terrain. KLSR-TV is assigned 83.9 kW and 259 meters HAAT. The parameters for KVAL on adjacent channel 25 are 602.7 kW at 451 meters HAAT -- more than 5 times the power, with more than 600 feet greater height above average terrain. Clearly, a new channel must be found for KLSR-TV.

Preliminary studies by Lohnes and Culver indicate that DTV channel 31 is available in Eugene for KLSR-TV, and would not suffer the adjacent channel

interference or cause interference to others. Reconsideration of the DTV channel 26 allotment in Eugene is therefore requested.

E. Concerns About Displacement of Secondary Low Power and Television Translator Stations

COBI's reliance on LPTV and TV translator stations to provide a satisfactory signal in the mountainous area it serves was stressed in its comments on the Sixth Further Notice and is emphasized again here. Lohnes and Culver's statement refers to the fact that COBI uses 26 translators to rebroadcast the KOBH signal and 10 more to carry KOTI into poorly served areas located for the most part within the stations' predicted service contours. Until the Commission issues OET Bulletin 69 and makes available further technical information about the DTV allotment procedures COBI cannot assess how many of its translators and LPTV stations will be affected by the digital conversion process. Practical experience on the performance of digital television in the real world may also be required.

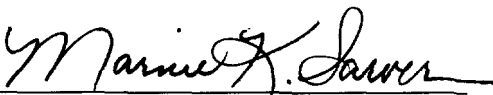
In presenting its new rules for LPTV and television translator stations, however, the Commission's discussion reflects that it may be more concerned about the impact of DTV implementation on LPTV stations than on translators. Sixth R&O ¶ 142. For licensees with stations in mountainous areas like that served by KOBH and KOTI, translator stations perform no less of a vital role. There must be no distinction made in the deference given to LPTV stations over television translator stations in accommodating the need for replacement channels.

COBI has a long and distinguished history of more than 40 years of broadcast service to southwestern Oregon. As a broadcast pioneer, it has seen and passed along to its viewers the benefits of innovation and improvements in the

television industry since the early 1950s. It respectfully requests that the Commission reconsider its allotment of channels to COBI's stations in Medford, Klamath Falls and Eugene, Oregon and that further, on reconsideration, it remove any element of reservation concerning the suitability of channels 2-6 for digital broadcasting and the appropriateness of including them in the ultimate core of digital TV spectrum.

Respectfully submitted,

**CALIFORNIA OREGON
BROADCASTING, INC.**

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June 13, 1997

EXHIBIT E
ENGINEERING STATEMENT
IN SUPPORT OF A PETITION
FOR RECONSIDERATION OF THE
SIXTH REPORT AND ORDER
IN MM DOCKET NO. 87-268

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Prepared by
Lohnes and Culver Washington, D.C.
June, 1997

**EXHIBIT E
ENGINEERING STATEMENT
IN SUPPORT OF A PETITION
FOR RECONSIDERATION OF THE
SIXTH REPORT AND ORDER
IN MM DOCKET NO. 87-268**

INTRODUCTION

This statement was prepared on behalf of California-Oregon Broadcasting, Inc., licensee of television broadcast stations KOB! Channel 5 Medford, OR and KOTI Channel 2 Klamath Falls, OR and KLSR Channel 34 Eugene, OR. It supplies technical information in support of a petition for reconsideration of the Sixth Report and Order in MM Docket No. 87-268 with specific reference to Appendix B, the DTV Table of Allotments.

CURRENT NTSC OPERATIONS

KOB! and KOTI are both licensed to operate in the low VHF band. Both stations are located in Southern Oregon where some of the most rugged terrain in the United States exists. It has been well documented on many occasions and it is fully recognized that the propagation characteristics of the lower VHF channels (Channel 2-6) are superior to all other television channels in their ability to provide television coverage in areas of rugged terrain.

The unique propagation characteristics of Channel 2 (KOTI) and Channel 5 (KOB) have enabled COBI to provide southern Oregon with television reception for approximately 44 years. Although KOB and KOTI have been transmitting on low VHF channels that, from a technical standpoint, are best suited for providing television service in rugged terrain it has been necessary to fill in the service areas through the use of television translators. There are currently 26 television translator stations in southern Oregon that receive and rebroadcast KOB's program service and 10 television translator stations in southern Oregon that receive and rebroadcast KOTI's program service. These translator operations are for the most part located within the stations standard predicted service areas providing service to small areas of population that are terrain obstructed from the main antennas. It is obviously extremely difficult for KOB and KOTI operating on Channels 5 and 2 to provide quality off-air television reception to the southern Oregon area as evidenced by the need to supplement the service with 36 translator operations.

DTV ALLOTMENTS

Appendix B of the Sixth Report and Order in Docket No. 87-268 contains a Table of DTV Allotments providing DTV pairings with analog stations for service replication. The analog Channel 5 operation of KOB at Medford has been paired with DTV Channel 15 and the analog Channel 2 operation of KOTI at Klamath Falls has been paired with DTV Channel 40. It is obvious from the difficulties experienced by both

KOBI and KOTI in providing service to the area while operating on Channel 5 and Channel 2 that replication of service on DTV Channels 15 and 40 in the mountainous regions of southern Oregon will be extremely difficult if not impossible.

The UHF channels 15 and 40 allotted to KOBI and KOTI in the DTV Table of Allotments are designated for use by KOBI and KOTI during the transition period for conversion to DTV. There is no assurance however, in the Sixth Report and Order that COBI's current Channel 2 and Channel 5 NTSC stations will be permitted to operate in a DTV mode on their assigned analog channels following the conversion period. In fact the ultimate DTV core has not been established and there is some doubt that Channels 2 and 6 will be available for DTV operation.

In the event that the low VHF channels are not included in the ultimate DTV core and KOBI and KOTI are forced to continue operation on UHF channels, television service in the southern Oregon area will be severely degraded. Not only will both stations be unable to provide quality off-air service to their established markets the network of translators that are utilized to bring service to the southern Oregon area will be significantly reduced as they will be displaced by other DTV allotments.

The Commission has not made available to the Industry the technical parameters used in establishing the DTV Table of Allotments, the pairings with analog stations and the replication of service areas. Without access to the complete technical

parameters used by the Commission in making DTV projections it is impossible to make specific proposals in reference to the DTV Table of Allotments.

We do however, on behalf of COBI strongly urge the Commission to reconsider the allotment of UHF DTV pairings for KOB1 and KOT1 in Medford and Klamath Falls, OR. We recommend that the DTV Allotment Table not be "cast in stone" and that supplemental proposals by NTSC operating stations be considered after the Commission's complete technical parameters are made available.

We have however, conducted a study of the NTSC Table of Allotments and the DTV Table of Allotments without the benefit of the complete technical parameters employed by the Commission, and submit the following with respect to DTV pairings for KOB1 Medford, OR KOT1 Klamath Falls, OR and KLSR Eugene, OR.

KLSR in Eugene is licensed on analog Channel 34 and has been paired with DTV Channel 26 in the Table of Allotments in the Sixth Report. Based on an interference analysis it is predicted that the Channel 26 DTV operation will receive interference in the Eugene Market from the proposed DTV pairing of Channel 25 with the analog operation of KVAL-TV also licensed to Eugene. Preliminary studies without the benefit of the Commission's technical parameters, indicate that DTV Channel 31 can be paired with the Channel 34 analog operation of KLSR in Eugene without creating an obvious interference situation with NTSC or DTV allotments. Accordingly,

we request, on behalf of COBI, that the Commission reconsider the DTV allotment of Channel 26 to Eugene and as an alternative assign Channel 31 for DTV pairing with the analog operation of KLSR on Channel 34 in Eugene. The DTV allotment of Channel 31 to replace the allotment of Channel 26 in Eugene will resolve the issue of predicted interference between the proposed allotments of Channel 25 and 26 that have been paired with the analog operations of KLSR and KVAL-TV in the Table of Allotments in the Sixth Report.


As previously stated, KOTI, Klamath Falls and KOB1, Medford operate on analog Channels 2 and 5 respectively. KOTI has been paired with DTV Channel 40 and KOB1 has been paired with DTV Channel 15. Channel studies again without the benefit of the Commission's technical parameters indicate that other UHF channels are available for allotment in both markets and that VHF Channel 11 may be available for use in Klamath Falls and that VHF Channel 7 may be available for use in Medford. The availability of the VHF channels for DTV allotments are subject to additional terrain studies, interference analysis and the possibility of negotiating caused and received interference with other affected stations. Accordingly, we request reconsideration of the DTV pairings for KOB1 and KOTI and request the right to submit supplemental data when the complete technical parameters have been made available.

We also strongly urge the Commission to adopt the 2 to 51 DTV core at this time. This will provide stations such as KOB1 and KOTI with the assurance that they

will be able to continue operation on the low VHF channels that is vital to their ability to provide service to their established television market in southern Oregon.

As previously mentioned in this statement it is conceivable that several of the KOB1/KOT1 translators will be displaced as a result of DTV allotments. We urge the Commission to consider replacement channels for those that are displaced and that the proposals be handled as expeditiously as possible so as to continue the service on alternate channels.

Respectfully submitted,
LOHNES AND CULVER



Frederick D. Veihmeyer

June, 1997